

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN RE:	:	CASE NO. 05-95374-JB
	:	
GERTRUDE G. ISAAC,	:	
	:	CHAPTER 7
Debtor.	:	
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GERTRUDE G. ISAAC,	:	ADVERSARY PROCEEDING
	:	NO. 06-09004
Plaintiff,	:	
	:	
v.	:	
	:	
ZOM RESIDENTIAL SERVICES, INC. d/b/s	:	
BELCOURT APARTMENT HOMES,	:	
	:	
Defendant.	:	

ORDER

On August 22, 2005, Gertrude G. Isaac (hereinafter “Debtor”) filed a voluntary Chapter 7 petition. On January 11, 2006, Debtor filed this adversary proceeding requesting that her pre-petition and post-petition rent owed to defendant be discharged under 11 U.S.C. § 523. On January 30, 2006, the defendant filed an answer acknowledging that Debtor’s pre-petition rent is dischargeable, and arguing that any rent that accrued post-petition is non-dischargeable. This is a core proceeding under 28 U.S.C. § 157(b)(2).

Individual Chapter 7 debtors are entitled to a discharge under 11 U.S.C.

§ 727(a) unless one of the exceptions to discharge applies. Section 727(b) makes it clear that the scope of the discharge is limited to all debts that arose “before the commencement of the case.” On January 19, 2006, the Court entered an Order granting Debtor a discharge under 11 U.S.C. § 727. Thus, any pre-petition rent has been discharged, but any rent claim that arose post-petition is not dischargeable under § 727 of the Bankruptcy Code.

In a response to the defendant’s answer, filed on January 30, 2006, Debtor argues that her post-petition rent should be dischargeable under 11 U.S.C. § 523. Section 523 deals with exceptions to discharge, and neither it, nor any other section of the Bankruptcy Code provides the Court the authority to grant the Debtor a discharge of her post-petition rent. In accordance with the above reasoning, defendant’s claim for pre-petition rent is discharged, but any claim for post-petition rent is not affected by the discharge.

IT IS SO ORDERED, this _____ day of March, 2006.

JOYCE BIHARY
UNITED STATES BANKRUPTCY JUDGE

DISTRIBUTION LIST

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